

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 8.11.101 and ) ON PROPOSED AMENDMENT  
8.11.115 pertaining to fees )  
and renewals for licensed ) (Licensed Addiction  
addiction counselors ) Counselors)

TO: All Concerned Persons

1. On March 28, 2003, at 9:00 a.m., a public hearing will be held in the Business Standards Division, in room 438, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact Cynthia Reichenbach no later than 5:00 p.m. on March 18, 2003, to advise us of the nature of the accommodation that you need. Please contact Cynthia Reichenbach, Chemical Dependency Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2391; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or e-mail creichenbach@state.mt.us.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

8.11.101 FEES (1) The following is the fee schedule for licensed addiction counselors:

(a) Application	\$125 200
<del>(2)(b)</del> Renewal	<del>100</del> 135
<del>(3)(c)</del> Late renewal	<del>150</del> 185
<del>(4)(d)</del> Oral examination/re-examination	<del>75</del> 200
<del>(5) Written examination</del>	<del>80</del>
<del>(6)(e) Certificate Document or license</del> replacement	<del>20</del> 30

(2) The fee for the national certified addiction counselor (level I) written examination is established by and payable directly to the vendor contracted with by the department to administer the written examination.

AUTH: 37-1-131, 37-1-134, 37-35-103, MCA

IMP: 37-1-131, 37-35-103, 37-35-202, 37-35-203, MCA

REASON: There is reasonable necessity to amend ARM 8.11.101 to set program fees at a level commensurate with costs as required by 37-1-134, MCA. The program estimates that approximately 328 persons (220 renewing licensees, 16 late renewing licensees, 60 new license applicants, 30 applicants

testing for the oral exam, 20 document replacements) will be affected by the proposed fee changes. The estimated annual increase in revenue is approximately \$15,945.00. The program's requested appropriation for fiscal year 2004 is \$78,021.00. The program's recharge will be increased by approximately \$52,977.00 in fiscal year 2004 and by approximately \$55,432.00 in fiscal year 2005. The recharge calculation was based on the program-allocated FTE, the time distribution sheet, personnel allocation without investigator, HCLB Bureau budget, Business Standards Division recharge, and BSD legal allocation. The BSD has implemented the alternative pay plan with those increases reflected in the program's recharge. The program last raised its fees in fiscal year 1997. The proposed amendment is also reasonably necessary to advise applicants of the use of a contractor to administer the written examination, and to advise the applicant of the need to pay that contractor directly. In addition, there is reasonable necessity to add further citations to the list of statutes authorizing the rule and the list of statutes the rule implements.

8.11.115 RENEWALS (1) ~~At least three~~ Approximately two months before the renewal date, a renewal notice will be sent by the department to each certificate holder to the last address in the program's files. Failure to receive such notice shall not relieve the certificate holder of the holder's obligation to pay renewal fees in such a manner that they are received by the department on or before the renewal date.

(2) through (5) remain the same.

AUTH: 37-1-131, 37-35-103, MCA  
IMP: 37-1-131, 37-35-103, 37-35-203, MCA

There is reasonable necessity to amend ARM 8.11.115 to adjust the timing of the mailing of renewal notices to reflect improvements in the Department's renewal procedures. The Department believes that shortening the time from three months to two months will make it less likely that licensees will put the renewal notice aside until closer to the due date, and thus less likely to inadvertently forget to timely renew the license. In addition, there is reasonable necessity to add further citations to the list of statutes authorizing the rule and the list of statutes the rule implements.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibscdc@state.mt.us](mailto:dlibscdc@state.mt.us) and must be received no later than 5:00 p.m., March 28, 2003.

5. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://discoveringmontana.com/dli/cdc>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address does not excuse late submission of comments.

6. The Department of Labor and Industry maintains a list of interested persons who wish to receive notices of rulemaking actions related to the Licensed Addiction Counselor program. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Licensed Addiction Counselor program rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Department as set forth in paragraph 4 above, or may be made by completing a request form at any rules hearing held by the agency.

7. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

8. The bill sponsor notice requirements of 2-4-302, MCA do not apply.

DEPARTMENT OF LABOR AND INDUSTRY,  
CHEMICAL DEPENDENCY COUNSELORS

/s/ WENDY J. KEATING  
Wendy J. Keating, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ KEVIN BRAUN  
Kevin Braun  
Rule Reviewer

Certified to the Secretary of State, February 14, 2003.